

Remarks

In the Office Action, the Examiner noted that Claims 1-13, 16 and 17 are pending in the application, and that Claims 1-13, 16 and 17 are rejected. Claims 1 and 12 have been amended by the present response. The amendments do not add new matter to the application. The Examiner's rejections are traversed below.

Rejections Under 35 USC 102

Claim 1 stands rejected under 35 USC 102 as being anticipated by Wise et al. (US Patent 5,884,262). The rejection alleges that Wise teaches:
using the first computer to update the user profile to include an implicitly made selection comprising a record of behaviors and actions performed over the telephone interface.

Applicants respectfully assert that Wise does not teach or suggest updating the user profile to include an implicitly made selection by a user over the telephone interface, as claimed. Instead, Wise teaches that a user may have a profile that directs the initial prompt from the system. (Col. 9, lines 2-12). Wise does not teach or suggest updating such a profile based upon implicitly made selections or that the profile can be updated over the telephone interface, as claimed.

The rejection also alleges that Wise teaches:

presenting a suggestion over the telephone interface using the computer, the suggestion based on the user profile, the suggestion comprising at least one of a topic, a sub-topic, a content, and an item for sale.

Applicants also respectfully assert that Wise does not teach or suggest presenting a suggestion to the user. Instead, Wise teaches a method of converting information, contained in documents, into an audio compatible file such that the document may be navigated. Information, as defined by Webster's Encyclopedic Unabridged Dictionary of the English Language, 1996, comprises knowledge communicated concerning a particular fact or circumstance. A suggestion is defined as the act of proposing a thing as suitable or possible for some purpose. A suggestion may be a piece of advice. Therefore, presenting a suggestion to a user is not equivalent to converting a document into an audio file according to the plain meaning of these terms.

The example selected by the Examiner is a document comprising a menu, "press 1 for the Bell Atlantic stock closing price and the traffic report for the Silver Springs area". The menu is a document that the user may navigate to obtain information related to each particular menu item. The example does not suggest the purchase or sale of the stock. The Wise patent only teaches presenting the information concerning the price of the stock.

Finally, to the extent that Wise may teach using the telephone identifying information, user profile, and presenting information over a telephone interface, there is never the less no suggestion or motivation to

arrange the elements as claimed in Claim 1 of the present invention. For instance, Wise does suggest or provide a motivation to combine the claimed combination of elements, as in Claim 1 of the present invention, as suggested by the rejection. Wise does not teach or suggest the modification of the personal profile over the telephone interface. Wise also does not teach or suggest presenting a suggestion based upon the profile. Instead, Wise teaches navigating a document based upon the personal profile. It is not enough that Wise may disclose all the claimed elements in isolation. Rather, under 35 USC 102 Wise must disclose each element of the claimed invention arranged as in Claim 1 of the present invention. Wise fail to satisfy this.

From the above-stated reasons, Applicants assert that Independent Claim 1 is patentable over Wise. Thus, withdrawal of this rejection is respectfully requested.

Claim 2 stands rejected under 35 USC 102 as being anticipated by Wise. The rejection alleges that Wise teaches:

receiving a response to the suggestion over the telephone interface and updating the user profile to according to an explicitly made selection comprising the received response.

Applicants respectfully assert that Wise does not teach or suggest updating the user profile to include an explicitly made selection comprising the received response, as claimed. Instead, Wise teaches that a user may have a profile that directs the initial prompt from the system. (Col. 9, lines 2-12).

Wise does not teach or suggest updating such a profile based upon explicitly

made selections or that the profile can be updated over the telephone interface. Withdrawal of this rejection is therefore respectfully requested.

Claim 3 stands rejected under 35 USC 102 as being anticipated by Wise. The rejection alleges that Wise teaches:

presenting one advertisement over the telephone interface, the
at least one advertisement qualified based on the user profile.

Applicants respectfully assert that Wise does not teach or suggest presenting an advertisement, as claimed. Instead, Wise teaches converting information in a document. (Col. 9, lines 2-12; Col. 5 Lines 55-65). An advertisement, as defined in Webster's Encyclopedic Unabridged Dictionary of the English Language, 1996, is a paid announcement, as of goods for sale, in newspapers or magazines, on radio or television, etc. Applicants' respectfully assert that the weather report, traffic report, stock quote report, and national sports score report on their face do not comprise goods for sale. Thus, Wise does not teach or suggest presenting a paid announcement as of goods for sale over the telephone. Withdrawal of this rejection is therefore respectfully requested.

Claims 4 and 5 stand rejected under 35 USC 102 as being anticipated by Wise. Applicants assert that Claims 4 and 5 depend from patentable independent Claim 1, and incorporate all the limitations thereof. Thus, withdrawal of this rejection is respectfully requested.

Claim 7 stands rejected under 35 USC 102 as being anticipated by Wise for the same rationale as Claims 1-3. To the extent that Claim 7 is a

computer system claim corresponding to method Claims 1-3, Applicants respectfully assert that Claim 7 is patentable over Wise for the same reasons advanced in support of Claims 1, 2 and/or 3. Thus, withdrawal of this rejection is requested.

Claim 8 stands rejected under 35 USC 102 as being anticipated by Wise. The rejection alleges that Wise teaches using ANIs to determine geographic locations and personalizing the content to include at least one advertisement. Applicants respectfully assert that Wise does not teach or suggest presenting an advertisement qualified for a corresponding approximate geographic location. Instead, Wise teaches converting information in a document. (Col. 9, lines 2-12; Col. 5 Lines 55-65). Applicants respectfully assert that the traffic report does not comprise goods for sale. Hence, Wise does not teach or suggest presenting an advertisement. Thus, Wise also does not teach or suggest presenting an advertisement appropriate for a particular geographic location. Withdrawal of this rejection is therefore respectfully requested.

Claims 9, 10 and 11 stand rejected under 35 USC 102 as being anticipated by Wise. Applicants assert that Claims 9, 10 and 11 depend from patentable independent Claim 7, and incorporate all the limitations thereof. Thus, withdrawal of this rejection is respectfully requested.

Claims 12 and 13 stand rejected under 35 USC 102 as being anticipated by Wise for the same rationale as Claims 1-3. To the extent that

Claims 12 and 13 are apparatus claims corresponding to method Claims 1-3, Applicants respectfully assert that Claims 12 and 13 are patentable over Wise for the same reasons advanced in support of Claims 1, 2 and/or 3. Thus, withdrawal of this rejection is requested.

Claim 16 stands rejected under 35 USC 102 as being anticipated by Wise. The rejection alleges that Wise teaches a means for modification of the personalization profile by a user via an Internet link. Applicants respectfully assert that Wise does not teach or suggest updating the user profile via an Internet link. Instead, Wise teaches that a user may have a profile that directs the initial prompt from the system. (Col. 9, lines 2-12). The presentation manager as taught by Wise does not provide for modifying the profile. The presentation manager, in the event that the user's equipment is a personal computer rather than a telephone, instead does not convert the information contained in a document to an audio format. In such an event the document's original audio/visual format is maintained and presented over the Internet link. (Col. 2, lines 18-31; Col. 2, lines 45-47; Col. 2, lines 59-61; Col. 3, lines 19-23; and Col. 8, lines 44-54). Hence, Wise does not teach a means for modification of the personalization profile by a user via an Internet link. Withdrawal of this rejection is therefore respectfully requested.

Claim 17 stands rejected under 35 USC 102 as being anticipated by Wise. The rejection alleges that Wise teaches a means for modification of the personalization profile by reverse lookup to obtain demographic information. Applicants respectfully assert that Wise does not teach or suggest updating

the user profile via demographic information obtained by reverse lookup. Instead, Wise teaches that a user may have a profile that directs the initial prompt from the system. (Col. 9, lines 2-12). To the extent that Wise teaches use of reverse lookup information, the reverse information is utilized to navigate a document such as a traffic report to a section containing traffic relevant to the corresponding location (Col. 9, lines 13-26). Hence, Wise does not teach a means for modification of the personalization profile utilizing reverse lookup information. Withdrawal of this rejection is therefore respectfully requested.

Rejections Under 35 USC 103

Claim 6 stands rejected under 35 USC 103 as being obvious in view of the combination of Smyk (US Patent 6,161,128) and Wise. The rejection alleges that Smyk teaches adding a topic to a user profile. Applicants respectfully assert that Smyk does not teach or suggest addition of a topic and Wise does not remedy this defect. Smyk teaches a single topic, telephone services. The user can request changes to the service. The user cannot request telephone services not offered by the telephone provider. (Col. 9, lines 20-31; Figures 4A and 4B). Furthermore, the user cannot request addition of topics such as traffic reports, weather reports, stock quotes, advertisements, etc.

In addition, as the Examiner has noted, Smyk does not teach a method of adding a topic to a user's profile via a telephone interface. Furthermore,

Wise does not teach a method of adding a topic to a user's profile via a telephone interface. Instead, Wise teaches that a user may have a profile that directs the initial prompt from the system. (Col. 9, lines 2-12). Therefore, the combination of Wise and Smyk fails to teach or suggest the claimed embodiment.

From the above-stated reasons, Applicants assert that independent Claim 6 is patentable over the combination of Smyk and Wise. Thus, withdrawal of this rejection is respectfully requested.

Conclusion

For all the reasons advanced above, Applicants respectfully submits that the present application is in condition for allowance and that action is earnestly solicited. The Examiner is invited to contact Applicants' undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

The Commissioner is hereby authorized to charge any additional fees, which may be required for this amendment, or credit any overpayment, to Deposit Account 23-0085.

In the event that an extension of time is required, or may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to

charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account 23-0085.

Respectfully submitted,

WAGNER, MURABITO & HAO, LLP

Dated: March 4, 2003

A handwritten signature in cursive script, appearing to read "Eric J. Gash", is written over a horizontal line.

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